

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

L.P.,)
Plaintiff,)
v.) **Civil No. 14-518**
KAREN BLANER et al.,)
Defendants.)

MEMORANDUM ORDER

Pending before the Court are two Motions to Dismiss Plaintiff L.P.'s original Complaint for failure to state a claim upon which relief can be granted [ECF ## 14 and 18]. On July 7, 2014 Plaintiff filed an Amended Complaint against all defendants [ECF #22].

Pursuant to Federal Rule of Civil Procedure 15(a), “[a] party may amend the party's pleading once as a matter of course at any time before a responsive pleading is served ... Otherwise a party may amend the party's pleading only by leave of court or by written consent of the adverse party....” Fed.R.Civ.P. 15(a). Thus, “[when] a defendant asserts the defense of failure to state a claim by motion, the plaintiff may amend the complaint once ‘as a matter of course’ without leave of court.” Shane v. Fauver, 213 F.3d 113, 115 (3d Cir. 2000) (citations omitted).

Accordingly, this 8th day of July, 2014, it is hereby ORDERED, ADJUDGED, AND DECREED that the Defendants' Motions to Dismiss [ECF ##14 and 18] are DENIED as MOOT.

S/Maurice B. Cohill, Jr.
Maurice B. Cohill, Jr.
Senior District Court Judge